

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:21-cr-00234

NATHANIEL BLAYN BECKER,

Defendant.

**ORDER**

The Court has reviewed the Defendant's *pro se* motion requesting modification of the record pursuant to Rule 10(e) of the Federal Rules of Appellate Procedure (Document 170). Therein, the Defendant requests modification of a portion of the trial transcript from April 18, 2022, wherein Mr. Becker withdrew prior statements about representing himself or obtaining other trial counsel.

The Defendant is represented by counsel and has been represented by his present counsel since December 2, 2022. By filing a *pro se* motion while simultaneously represented by counsel, the Defendant is attempting to proceed via "hybrid representation." There is no constitutional right to hybrid representation. *McKaskle v. Wiggins*, 465 U.S. 168, 183 (1984). Rather, it is firmly within the discretion of the trial court to permit or preclude hybrid representation. *U.S. v. Miller*, 21-4086, 2022 WL 17259018, at \*3 (4th Cir. Nov. 29, 2022); *see also United States v. Hale*, 762 F.3d 1214, 1219–20 (10th Cir. 2014); *United States v. Mills*, 704 F.2d 1553, 1557 (11th Cir.1983); *United States v. Daniels*, 572 F.2d 535, 540 (5th Cir.1978). Therefore, "district courts are not required to permit hybrid representation . . . with regard to written motions." *U.S. v. Miller*, 21-

4086, 2022 WL 17259018, at \*4 (4th Cir. Nov. 29, 2022); *United States v. Barnes*, 358 F. App'x 412, 413 (4th Cir. 2009); *see also Clark v. Perez*, 510 F.3d 382, 395 (2d Cir. 2008); *Myers v. Johnson*, 76 F.3d 1330, 1335 (5th Cir. 1996); *United States v. Hill*, 526 F.2d 1019, 1024 (10th Cir. 1975).

As previously explained, the Court will not consider *pro se* motions filed by a defendant who is represented by counsel absent sufficiently compelling circumstances. *United States v. Shrader*, 2010 WL 2671497 (S.D. W. Va. 2010). Finding no such circumstance here, the Court **ORDERS** that the Defendant's *pro se* motion requesting modification of the record (Document 170) be **DENIED**.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: May 9, 2023



IRENE C. BERGER  
UNITED STATES DISTRICT JUDGE  
SOUTHERN DISTRICT OF WEST VIRGINIA